

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

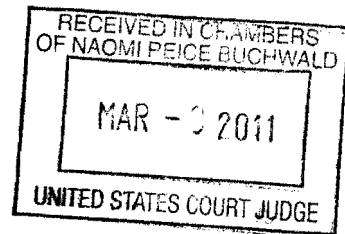
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INTEROCEAN COAL SALES, LDC,

Plaintiff,

-against-

EVONIK TRADING GMBH, et al.,

Defendants.  
----- X



11 Civ. 0940 (NRB)

**STIPULATION AND ORDER TO EXTEND TIME FOR DEFENDANTS EVONIK  
TRADING GMBH AND EVONIK STEAG GMBH'S TO ANSWER, MOVE OR  
OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

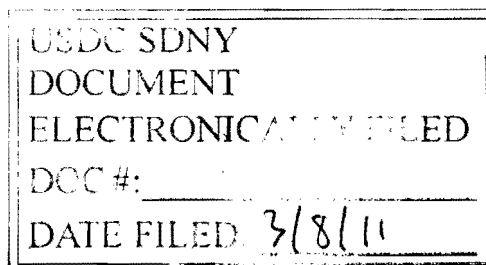
WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on February 18, 2011, Plaintiff filed a returned Summons and Affidavit of Service stating that it served Defendants Evonik Trading GmbH ("Trading"), Evonik Steag GmbH ("Steag"), and Evonik Industries, AG on February 15, 2011, through the New York State Secretary of State.

WHEREAS the Court's docket currently indicates that Trading and Steag's deadline to answer, move, or otherwise respond to the Complaint is Tuesday, March 8, 2011.

NOW THEREFORE, Plaintiff, Trading, and Steag, through their undersigned counsel, hereby stipulate and agree as follows:

LEGAL02/32495516v1



1. Plaintiff has consented to Trading and Steag's request to extend its time to answer, move, or otherwise respond to the Complaint by twenty (20) days, up to and including Monday, March 28, 2011.

2. The parties have agreed that nothing in this Stipulation shall constitute a waiver of any rights or defenses that Trading or Steag may have in this matter, including, but not limited to, the right to challenge the sufficiency of service of process and/or personal jurisdiction.

3. There have been no previous requests for adjournment or extension of time for Trading or Steag to answer, move or otherwise respond to the Complaint. The agreed upon extension will not impact any dates set forth in the above-captioned action.

Dated: March 3, 2011  
New York, New York

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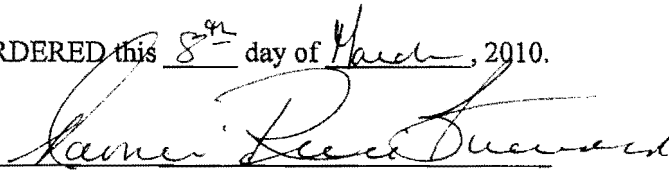
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*Attorneys for Defendants Evonik Trading  
GmbH and Evonik Steag GmbH*

SO ORDERED this 8<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Hon. Naomi Reice Buchwald  
United States District Judge